

## RECORD OF PROCEEDINGS

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<b>CALL TO ORDER</b>	A regular meeting of the Council Bluffs City Council was called to order by Mayor Thomas P. Hanafan, on Monday, April 12, 2010 at 7:00 p.m.
<b>ATTENDANCE</b>	Council Members present: Scott Belt, Lynne Branigan, Melissa Head, Matt Schultz and Matt Walsh. Staff present: Richard Wade, City Attorney and Marcia Worden, City Clerk.
<b>CONSENT AGENDA</b>	Belt and Branigan moved and seconded the approval of the consent agenda. Schultz made a correction to the March 29, 2010 minutes regarding Item 3G of the consent agenda; Schultz not Walsh directed staff for project review regarding a street closure. Unanimous.
<b>PROCLAMATION</b>	Mayor Hanafan proclaimed the week of April 11 – 17, 2010 as “ <i>National Library Week</i> ”, accepting the proclamation was Barbara Peterson, Council Bluffs Public Library Director.  Mayor Hanafan presented a proclamation to Jamie Moore, United Way of the Midlands representative, noting April 18 – 24, 2010 as “ <i>National Volunteer Week</i> ”. Mayor Hanafan thanked Ms. Moore and the many volunteers for their support and work within the community.
<b>PUBLIC HEARINGS</b> Resolution 10-112	Held Public Hearing, approving the Plans, Specifications and Form of Contract for the Council Bluffs Parks – Parks Lighting Project and authorizing the City Clerk to advertise for bids setting a bid date of April 27, 2010 at 10:00 a.m. Belt and Schultz moved and seconded approval. Unanimous.
Resolution 10-113	Held Public Hearing, approving the Plans, Specifications, Form of Contract and Cost Estimate for the Hazel Street Restoration. Branigan and Head moved and seconded approval. Unanimous.
Resolution 10-114	Held Public Hearing, approving the Plans, Specifications, Form of Contract and Cost Estimate for the South 13 <sup>th</sup> Street Improvements – Phase V. Belt and Branigan moved and seconded approval. Walsh and Belt moved and seconded, making an amendment to the Resolution to include sanitary sewer work at 25 <sup>th</sup> Street between Avenues H and I and added \$300,000 to the engineers estimate to cover the additional work. Unanimous. Belt mentioned the work was an emergency request due to the disrepair of the street. Vote on original motion as amended. Unanimous.
Resolution 10-115	Held Public Hearing, approving the Plans, Specifications, Form of Contract and Cost Estimate for the 32 <sup>nd</sup> Avenue Storm Sewer (S. 11 <sup>th</sup> St. to S. 7 <sup>th</sup> St.). Belt and Branigan moved and seconded approval. Unanimous.
Resolution 10-116	Held Public Hearing, authorizing disposal of City property legally described as Lot 9, Block H, Curtis and Ramsey Addition. Walsh and Belt moved and seconded approval. Unanimous.
Resolution 10-117	Held Public Hearing, approving the Plans, Specifications and Form of Contract for the 28 <sup>th</sup> Avenue Project – Phase II and directing the City Clerk to advertise for bids setting April 29, 2010 at 10:00 a.m., as the date. Branigan and Belt moved and seconded approval. Unanimous.
Resolution 10-123	Held Public Hearing, vacating and disposing of that part of Kimball Avenue which runs southeast from East Pierce Street for 232 feet and abuts Block 3, Hagg’s First Addition. Belt and Head moved and seconded approval. Belt and Walsh moved and seconded, amending the formula fee to be used as follows: to use the established City formula created for right-of-way disposals. Unanimous. Vote on original motion as amended. Unanimous.
Ordinance 6058 Ordinance 6059 Ordinance 6060 Ordinance 6063	Held Public Hearing, amending Title 13 entitled “Building and Construction” Ordinance 6058, by enacting a new Chapter 13.20 entitled “Energy Conservation Code”; Ordinance 6059, by adding Section 13.12.024 entitled “Administrative Provisions”, by adding Section 13.12.026 entitled “Fuel Gas Piping”, by adding

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Ordinance 6064  
Ordinance 6065  
Ordinance 6066

Section 13.12.028 entitled "Code Amendments", and by deleting Sections 13.12.030 to 13.12.110; Ordinance 6060, by repealing Chapter 13.16 in its entirety and enacting a new Chapter 13.16 entitled "Electrical Code"; Ordinance 6063, by amending in part Chapter 13.27 to be entitled "Swimming Pool, Spa and Hot Tub Code"; Ordinance 6064, by amending Chapter 13.21 which is entitled "Property Maintenance Code"; Ordinance 6065, by repealing Chapter 13.09 in its entirety and enacting a new Chapter 13.09 to be codified and entitled "Mechanical Code" and Ordinance 6066, by amending Chapter 13.26 to be codified and entitled "Fuel Gas Code". Heard from Carla Limmer, 3010 Avenue J, in opposition of the proposed code changes and requested a delay in action. Walsh and Head moved and seconded approval of Item 5H, Ordinance 6058, which mimics the State Code. Unanimous. Ordinance 6058 passes into law. Unanimous. Walsh and Belt seconded postponement of Items 5I and Item 5J until June 28, 2010, in order for Council to better understand the code changes. Belt mentioned many of the same individuals also attended the Study Session this afternoon, Belt mentioned he was unsure the length of time it would take to review the codes and added there was no response from any contractors in attendance at the Study Session regarding the code changes. Belt noted staff recommended Council make adjustments or corrections to the code that they feel are warranted. Belt asked individuals who had specific issues with any items within the code to notify Council as soon as possible. Motion withdrawn by Walsh, Belt concurred. Walsh and Belt moved and seconded, moving Items 5M, 5N, 5O and 5P to 3<sup>rd</sup> consideration and postponing further consideration on Items 5I, 5J, 5M, 5N, 5O and 5P until 7:00 p.m., June 28, 2010. Head mentioned Council would greatly appreciate input on the proposed amendments; it would help Council get a better understanding of the codes. Unanimous.

Ordinance 6161

Held Public Hearing, amending the zoning map as adopted by reference in Section 15.02.040, by changing the district designation of certain grounds, premises and property generally located between South 15<sup>th</sup> and South 19<sup>th</sup> Streets, from 23<sup>rd</sup> Avenue to one-half block south of 28<sup>th</sup> Avenue, from R-2/Two Family Residential and R-3/Low Density Multi-Family Residential, to R-1/Single Family Residential, as set forth and defined in Chapters 15.09, 15.10 and 15.08B. Belt and Head moved and seconded approval. Unanimous.

Ordinance 6062

Held Public Hearing, amending the zoning map, as adopted by reference in Section 15.02.040 by changing the district designation of approximately 1,058 acres of newly annexed land from A-1/Open Space and Conservation District, A-4/Loess Hills District, R-2/Urban Transitional District and R-3/Urban Residential District (County) to A-2/Parks, Estates and Agricultural District (City), as set forth and defined in Chapter 15.05. Belt indicated the area was out by the airport and the Ordinance mimics how the County already had it zoned. Belt and Head moved and seconded approval. Belt noted on the previous ordinance, the City down zoned to an R-1 district, putting in single-family homes off of 23<sup>rd</sup> Avenue between 15<sup>th</sup> & 19<sup>th</sup> Streets; zoning will remain single-family homes unless future Council's decide to make changes. Unanimous.

### ORDINANCES ON FIRST READING

Ordinance 6070

Belt and Walsh moved and seconded approval, amending Title 13, entitled "Building and Construction" by amending Chapter 13.06 entitled "Residential Code" and setting a Public Hearing for April 26, 2010 at 7:00 p.m. Heard from Carla Limmer, 3010 Avenue J, requesting further code review before approval. Unanimous.

Ordinance 6071

Belt and Walsh moved and seconded approval, amending Title 13 entitled "Building and Construction" by amending Chapter 13.13 to be codified and entitled "License /Registration of the Utility Trade" and setting a Public Hearing for April 26, 2010 at 7:00 p.m. Belt indicated Council will rely on staff's recommendation regarding any grandfathering of licenses. Wade noted the Building Division staff recommended those possessing the Master Plumbing license from the State, those who were licensed as Utility Contractor's when the City ceased licensing approximately one year ago and the third classification which was discussed; those who possess the water distribution grade 3 certification from the IDNR be grandfathered in. Head added IDNR Level 2 and above would be qualified to do the

work and would open the range of individuals as well. Belt questioned if there was an estimate of individuals that would be grandfathered in and would there be a cut-off time. Wade indicated as long as an individual can establish they were a utility contractor when the City stopped licensing utility contractors they could come in and get a license and no deadlines are proposed at this time. If they're a Master Plumber under the State of Iowa licensing process we'll want to accept their license now and at a future date if they so choose to license; the same would be true of the water distribution grade 2 and above. Walsh and Belt moved and seconded, amending the Ordinance to grandfather State licensed Master Plumbers, Utility Contractor 's who previously held a license with the City of Council Bluffs and include individuals that hold an IDNR Water Distribution grade 2 license or above. Unanimous. Vote on original motion as amended. Unanimous.

Ordinance 6072  
Ordinance 6073  
Ordinance 6074  
Ordinance 6075

Branigan and Head moved and seconded approval, amending Title 13 entitled "Building and Construction" Ordinance 6072, by amending Chapter 13.23 which is entitled "Existing Building Code" and setting a Public Hearing for April 26, 2010 at 7:00 p.m.; Ordinance 6073, by repealing Chapter 13.08 entitled "Building Code" in its entirety and enacting a new Chapter 13.08 entitled "Building Code" and setting a Public Hearing for April 26, 2010 at 7:00 p.m.; Ordinance 6074, by adding thereto a new Chapter 13.35 "Radon Reduction System Provisions" to provide guidelines for radon reduction systems in any new construction of Single-Family, Two-Family and Multiple-Family Housing Units; Ordinance 6075, by repealing Chapter 12.01 "International Fire Code" and enacting a new Chapter 12.01 "International Fire Code" and setting a Public Hearing for April 26, 2010 at 7:00 p.m. Unanimous.

Ordinance 6076

Belt and Walsh moved and seconded approval, amending Chapter 17 "Housing" by adding a new Section 17.01.040 entitled "Conversions to Meet Building Codes". Unanimous.

**ORDINANCES ON  
SECOND  
READING**  
Ordinance 6067

Belt and Branigan moved and seconded approval, amending Title 13 entitled, "Building and Construction", by enacting a new Chapter 13.01 to be codified and entitled "Administrative Provisions". Belt mentioned final action on this Ordinance could potentially be delayed until the June 28<sup>th</sup> meeting. Heard from Carla Limmer, 3010 Avenue J, requesting a delay of action on Ordinance 6067. Branigan and Belt moved and seconded to receive and file documents from Ms. Limmer. Unanimous. Also heard from John Paulson, 22844 Chestnut Road. Unanimous. Walsh and Belt moved and seconded, postponing final reading until June 28, 2010 at 7:00 p.m. Unanimous.

Ordinance 6068

Belt and Head moved and seconded approval, providing that general property taxes levied and collected each year on all property located within the Nash Boulevard Urban Renewal Area, in the City of Council Bluffs, County of Pottawattamie, State of Iowa, by and for the benefit of the State of Iowa, City of Council Bluffs, County of Pottawattamie, Council Bluffs Community School District, and other taxing districts, be paid to a special fund for payment of principal and interest on loans, monies advanced to and indebtedness, including bonds issued or to be issued, incurred by the City in connection with the Nash Boulevard Urban Renewal Redevelopment Project. Unanimous. Walsh and Belt moved and seconded, waiving 3<sup>rd</sup> consideration, Ordinance 6068 passes into law. Unanimous.

Ordinance 6069

Walsh and Branigan moved and seconded approval, amending Chapter 3.08 "Beer and Liquor Control" by amending Section 3.08.045 "Exceptions to Section 3.08.040(5)", to include open air taverns as an exception in areas zoned as C-4, with restrictions. Unanimous. Walsh and Branigan moved and seconded, amending the ordinance to include the following: if two violations resulting in a conviction occur within a twelve month period, the use of the outdoor area as a portion of the liquor license premise shall cease for six months. Hanafan asked what violations could affect the license. Wade indicated violations such as noise or drinking after hours, and conditioning the use for outdoor would not include parking lots in C-4 areas and any activity that occurs in the outdoor area could have repercussions on a liquor license. Open discussion took place regarding the length of time a license should be

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revoked regarding violations. Belt moved and Branigan seconded, amending the Ordinance to state that when two violations resulting in a conviction occur within a twelve month period, the use of the outdoor area as a portion of the liquor license premises shall cease for twelve months. Schultz clarified the year begins at the point of time of the second conviction; Wade confirms the statement made by Schultz. Unanimous.

### **RESOLUTIONS** Resolution 10-118

Belt and Branigan moved and seconded approval, authorizing the acquisition of 137 North 40<sup>th</sup> Street as part of the Playland Park Redevelopment Project. Unanimous. Executive Session was held on April 12, 2010 regarding this matter.

### Resolution 10-119

Branigan and Head moved and seconded approval, authorizing the acquisition of 125 North 40<sup>th</sup> Street as part of the Playland Park Redevelopment Project. Unanimous. Executive Session as held on April 12, 2019 regarding this matter.

### Resolution 10-120

Belt and Walsh moved and seconded approval, authorizing the Mayor and City Clerk to execute an agreement with the Iowa Office of Energy Independence for an Energy Efficiency and Conservation Block Grant in the amount of \$117,367.50 for the Council Bluffs Advanced Traffic Management System (ATMS). Unanimous.

### Resolution 10-121

Belt and Head moved and seconded approval, authorizing the elimination of one Captain position and the creation of one Engineer position with the Council Bluffs Fire Department. Unanimous.

### Resolution 10-122

Belt and Branigan moved and seconded approval, authorizing the redemption of outstanding General Obligation Capital Loan Notes, Series 2000-2, dated November 2, 2000. Unanimous.

### Resolution 10-124

Belt and Head moved and seconded approval, approving Change Order #4 for the 29<sup>th</sup> Avenue Storm Water Pump Station Rehab. adding \$7,386.78 to the original contract amount. Unanimous.

### Resolution 10-125

Branigan and Belt moved and seconded approval, approving the Iowa Waste Systems Association 2010 Solid Waste Comprehensive Plan Update. Branigan mentioned there was an impressive 66.19% reduction in solid waste with the average around 20%; we're doing a wonderful job in Southwest Iowa. Unanimous.

### **RECEIVE & FILE ITEMS**

Belt and Branigan moved and seconded approval of Receive and File Items regarding Items 9A – 9D. 9A. Three (3) Notices of Claim; 9B. Five (5) Notices to Redeem from Tax Sale; 9C. One (1) Offer to Buy; 9D. One (1) Notice of Right of Redemption. Unanimous.

### **APPLICATIONS FOR PERMITS & CANCELLATIONS**

Walsh and Schultz moved and seconded approval of New/Renewal Applications for Beer/Wine/Liquor & Outdoor Permits regarding Items 10A1 (1-7). 10A1. D & S Express, 2924 North Broadway; 10A2. Dusty's Lounge, 1501 Avenue A; 10A3. Harrah's Council Bluffs Casino & Hotel, One Harrah's Boulevard; 10A4. Hog Stop Restaurant, 3621 9<sup>th</sup> Avenue; 10A5. Kum & Go #219, 154 Bennett Avenue; Kum & Go #220, 2024 5<sup>th</sup> Avenue; 10A7. Regal Lanes, 15 State Street. Unanimous.

Heard from Jennifer Giles, 140 Grant St., #1. Belt and Branigan moved and seconded to receive and file a document from Ms. Giles. Unanimous. Mayor Hanafan suggested Ms. Giles visit with the County Attorney.

### **ADJOURNMENT**

Walsh and Branigan moved and seconded adjournment at 8:03 p.m.

The tape recording of this proceeding, though not transcribed, is part of the record of each respective action of the City Council. The tape recording of this proceeding is incorporated into these official minutes of this Council meeting as if they were transcribed herein.

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Thomas P. Hanafan,

Mayor

ATTEST:

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Marcia L. Worden,

City Clerk